

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 21

June 20, 2008

SUBJECT: DOCUMENTATION OF ILLEGAL PRIVATE PERSON'S ARREST - REVISED

PURPOSE: This Order standardizes the procedures for documenting a private person's arrest, that is or appears to be illegal, on an Employee's Report, Form 15.07.00. It also establishes a procedure for the maintenance and storage of these Employee Reports, for retrieval and audit purposes.

PROCEDURE:

I. DOCUMENTING AN ILLEGAL PRIVATE PERSON'S ARREST. When officers encounter a situation where a person has placed another person under private person's arrest, and that arrest is or appears to be illegal, officers shall complete an Employee's Report, Form 15.07.00. The Employee's Report shall include the following information:

- * The personal information of all persons involved (name, address, date of birth, etc.) as well as the incident information (location, Incident Number, Reporting District (RD), etc.);
- * Details of the circumstances leading to the private person's arrest;
- * Document the circumstances that support the illegal arrest determination;
- * The advisement of the person making the arrest of California Penal Code Section 847;
- * The advisement of the person making the arrest to seek their own legal counsel;
- * Ensure that the Employee's Report is addressed to the Area commanding officer of the involved Area;
- * Ensure that the location of the radio call is entered into the Location of Occurrence box on the Employee's Report, followed by the RD number;
- * Name and serial number of the supervisor who was notified or at scene during the arrest; and,
- * The signature and serial number of the watch commander approving the Employee's Report.

II. WATCH COMMANDER'S RESPONSIBILITIES. The watch commander reviewing the Employee's Report shall:

- * Review the Employee's Report for thoroughness and content prior to approving the report;

- * Review the circumstances surrounding the incident and the lack of the elements of the crime; and,
- * Sign, date and place their serial number on the report in the space provided for the approving supervisor.

III. FILING OF THE EMPLOYEE'S REPORT, FORM 15.07.00.

Employees shall obtain a non-crime Division of Records (DR) number for the Employee's Report. The original Employee's Report shall be forwarded to the Area commanding officer for review and, once reviewed, returned to the Area Records Unit for filing. If a related arrest/crime report is completed, a copy of the report shall be attached to the Employee's Report prior to forwarding it to the Area commanding officer.

IV. AREA RECORDS RESPONSIBILITIES. Area Records personnel shall:

- * Ensure that all submitted Employee's Reports documenting illegal private person's arrests are given a non-crime DR number;
- * When obtaining a DR number for the Employee's Report, enter "PPAREJECT" (Private Person's Arrest Reject) in the victim's last name field and the three-letter abbreviation for the division of occurrence (i.e., WIL-Wilshire), as the first name in the involved party entry of the Automated DR Issuance System (ADRIS);
- * The reporting employee(s) shall be entered as a reporting party or parties (R01, etc.) on the PPARTY screen during the DR issuance process;
- * All other involved parties (i.e., the rejected arrestee, arrestor, or witnesses) shall be entered as parties (P01, P02, etc.), in no specific order, on the PPARTY screen during the DR issuance process; and,
- * Ensure that the original Employee's Report, along with copies of any related reports, are forwarded to the Area commanding officer.

Note: If a crime report is completed and it is related to the private person's arrest, the Employee's Report shall be given the same DR number as the crime report. Additionally, "PPAREJECT" and the division of occurrence's abbreviation shall be entered as an additional party to the crime ("P01") on the PPARTY screen. This will ensure the proper tracking and

documentation of the Employee's Report and its relationship to the crime report.

V. AREA COMMANDING OFFICER'S RESPONSIBILITIES. The Area commanding officer shall:

- * Ensure that a file for all original Employee's Reports which document private persons arrest that are or appear to be illegal is established and maintained in the Area Office;
- * Review all Employee's Reports for possible follow-up investigations;
- * After review and approval, ensure that the original reports are returned to the Area Records Unit for filing; and,
- * Ensure that the Employee's Reports can be accessed and/or retrieved for further investigation and audit purposes.

AMENDMENTS: This Order amends Section 4/216.32 of the Department Manual.

AUDIT RESPONSIBILITY: The geographic Bureau commanding officers shall monitor compliance with this Directive in accordance with the Department Manual Section 0/080.30.



WILLIAM J. BRATTON
Chief of Police

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